

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Industries and Labour Department

Notification

1/15/80-ILD

Whereas the draft of certain rules which the Government of Goa, Daman and Diu proposed to make in exercise of the powers conferred by section 19R read with section 19QA of the Inland Vessels Act, 1917 (1 of 1917), was pre-published as required by sub-section (1) of section 74 of the said Act, at pages 215 to 220 of the Official Gazette, Series I, No. 26, dated 25-9-1982, under Notification No. 1/15/80-ILD, dated 3-9-1982 of the Industries and Labour Department, Government of Goa, Daman and Diu, inviting suggestions and objections from all persons likely to be affected thereby before the expiry of thirty days from the date of publication of the said Notification in the Official Gazette:

And whereas the said Gazette was made available to the public on 25-9-1982;

And whereas the suggestions and objections received from the public on the said draft have been considered by the Government.

Now, therefore, in exercise of the powers conferred by section 19R read with section 19QA, of the Inland Vessels Act 1917 (1 of 1917), the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, so as to amend the Goa, Daman and Diu Inland Vessels Registration Rules, 1965, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Inland Vessels Registration (First Amendment) Rules, 1983.

(2) They shall come into force at once.

2. *Amendment of rule 1.*—In rule 1 of the Goa, Daman and Diu Inland Steam Vessels Registration Rules, 1965 (hereinafter referred to as the 'principal Rules') for the words "Inland Steam Vessels" the words, "Inland Vessels" shall be substituted.

3. *Amendment of rule 2.*—In rule 2 of the principal Rules, in clause (a), the word "steam" shall be omitted.

4. *Insertion of new rule 3A.*—After rule 3 of the principal Rules, the following rule shall be inserted, namely:—

"3A *Name of vessel.*—The owner or his agent shall give to the Registering Authority at the intended port of registration, notice of the name proposed for the vessel at least fifteen days before the date on which he desires to effect the registration. On receipt of the notice, the Registering Authority shall send it forthwith to the Captain of Ports, Panaji for approval and shall not register the vessel under the proposed name unless it is approved by the Captain of Ports."

5. *Amendment of rule 9.*—In rule 9 of the principal Rules,—(1) In sub-rule (1), the words "The Deed of sale shall bear an adhesive or impressed stamp of not less than the amount specified in schedule 1 to the Indian Stamp Act, 1899 (I of 1899)" shall be omitted.

(2) In sub-rule (2), for the words "In case of the inter-state transfer and transfer outside India of vessels, the report shall also be accompanied by a Deed of sale in Form IX", the words "The report shall also be accompanied by a deed of sale in Form IX" shall be substituted.

6. *Insertion of new rules after rule 11.*—Rules 12, 13, 14, 15, and 16 of the principal Rules shall be re-numbered as 16, 17, 18, 19 and 20, respectively, and after rule 11 and before rule 16, as renumbered the following rules shall be inserted namely:—

12. *Mortgage of a vessel.*—(1) Every instrument of mortgage of a registered vessel shall be in one of the appropriate Forms appended to these rules.

(2) On presentation of the mortgage instruments to the Registering Authority of the port, where the vessel has been registered, together with the prescribed fee, the Registering Authority shall, if he is satisfied that the instrument is properly executed and that it does not contain notice of any trust, express, implied or constructive, proceed to record the transaction in the book of registration with the date and hour of acceptance and he shall also endorse on the mortgage instrument the fact of recording and the date and hour of acceptance.

13. *Priority of Mortgages.*—When several mortgages on the same vessel are recorded in the registration book, their respective priorities

shall be indicated in the appropriate column by capital letters, A. B. C. etc. in the alphabetical order.

14. *Discharge of Mortgage.* — (1) When the mortgage debt is fully discharged, the Registering Authority shall after satisfying itself that the receipt endorsed on mortgage instrument is in order and that it is properly witnessed, make the entry relating to the discharge in the book of registration.

(2) No payment of any instalment of a mortgage debt shall be recorded by the Registering Authority in the book of registration.

15. *Registration of mortgage executed and discharged by companies.* — Where a mortgage of a vessel is executed or discharged by a Company, the Registering Authority shall not register the mortgage or enter the discharge unless it has also been registered with the Registrar of Companies under section 134 of the Indian Companies Act, 1956 (Central Act 1956) or, as the case may be, a memorandum of satisfaction has been entered in the register of charges under section 138 of the said Act.

7. *Amendment of rule 18.* — In rule 18 of the principal Rules, as renumbered, the words "and shall be credited to the Receipt Head XXIV-Ports and Pilotage-Miscellaneous receipts under the Inland Steam Vessels Act, 1917." shall be omitted.

8. *Amendment of rule 19.* — In rule 19 of the principal Rules, as renumbered after sub-rule (3) the following sub-rule shall be inserted namely: —

"(4) Complaints for violations of any of the provisions of Act or of these Rules shall be filed by the Registering Authority on behalf of the Government."

9. *Amendment of Forms.* — In the Forms appended to the principal Rules — (1) in Form No. I, (a) under the caption "Declaration of ownership," the words "subject of the State of ..." shall be omitted; (b) at the end of the Form, after the expression "a Justice of Peace" the expression "or a Notary Public" shall be inserted.

(2) In Form No. III, for the words "subject of the State of," the words "he is residing permanently at/having principal place of business at" shall be substituted.

(3) In Form No. VI (a) para 2 alongwith the foot note marked with asterisk shall be omitted; (b) after the words "Signature of transferor" the following declaration shall be inserted, namely: —

"I/We ... residing permanently at/having principal place of business at ... do hereby declare that ... was purchased by me/us on ... for Rs. (Rupees ... only) and that I/We am/are the sole owner(s) of the same. I/We further declare that the vessel is intended to ply in

the inland waters described hereunder, that is to say:

()
Signature of Owner.

Made and subscribed this ... day of ... 19 ... by the above named ... in the presence of ...

Signature of Magistrate
or
Notary Public
or
Registering Authority

(4) After Form No. IX, the following forms shall be inserted, namely: —

FORM No. X

Mortgage to secure Principal Sum and Interest

(By Individual or Joint Owners)

(Section 19QA of Inland Vessels Act, 1917)

Issued by the
Government of Goa,
Daman and Diu.

Official Number	Name of Vessel	No., Date and Port of Registration
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Whether a Steam or Motor Vessel	Horse Power of Engines
---------------------------------	------------------------

Length:

NUMBER OF TONS

Gross	Net
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and as described in more detail in the certificate of the survey and the Book of Registration.

(a) ... the undersigned (b) ... son of ... in consideration of ... this day lent to (c) ... by (d) ... do hereby for (e) ... and (f) ... heirs, executors or administrators covenant with the said ... Firstly, that (a) ... or (f) heirs, executors or administrators, will pay to the said ... the said sum of ... together with interest thereon at the rate of ... per cent, per annum on the (g) ... day of ... next and secondly, that if the said principal sum is not paid on the said day (a) ... or (f) ... heirs, executors or administrators, will during such time as the same or any part thereof remains unpaid, pay to the said ... interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of ... per cent, per annum, by equal half yearly payments on the ... day of ... and ... day of ... in every year and for better securing to the said ... the repayment in manner aforesaid of the said principal sum and interest (a) hereby mortgage to the said ... shares of which (h) ... the Owner ... in the vessel above particular described, and if her boat/boats, and appurtenances. Lastly, (a) ... for (e) ... and (f) ... heirs, executors or administrators covenant with the said ... and ... assigns that (a) ... have Power to mortgage in manner aforesaid the above mentioned shares, and that the same are free from encumbrances (i) ...

In witness whereof (a) ... have hereto subscribed (f) ... name ... and fixed (f) ... seal ... this ... day of ... one thousand nine hundred and ...

Executed by the above named ...
... in the presence of (j)

...
(a) "I" or "WE"
(b) Here insert full name and address with description of the mortgagor or mortgagors.
(c) "me" or "us".
(d) Here insert full name and address of mortgagee or mortgagees with their description in the case of individuals, and adding "as joint mortgagees" where such is the case.
(e) "myself" or "ourselves"
(f) "my" or "our"
(g) "Insert the day fixed for payment of principal as above".
(h) "I am" or "we are".
(i) "If there is any prior encumbrance, add "save as appears by the registration of the said vessel".
(j) Name, address, and description of at least two witnesses.

Note: — The prompt registration of Mortgage Deed at the Port of Registration of the vessel is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for Registration and not from the date of the instrument.

Note: — Registered Owners or Mortgagees are reminded of the importance of keeping the Registering Authority informed of any change of residence on their part.

N. B. — In the case of transfer, it must be made by Endorsement in one of the following forms: —

Transfer of Mortgage
(By Individual or Joint Owners)

(a) ... the within mentioned ... son of ... in consideration of ... this day paid to (b) ... by ... I ... hereby transfer to (c) ... the benefit of the within written security. In witness whereof (a) ... have hereunto subscribed (d) ... name ... and affixed (d) ... seal ... this ... day of ... one thousand nine hundred and ... Executed by the above named ...

...
in presence of (e)

(a) "I" or "We"
(b) "me" or "us"
(c) "him" or "them" or "it"
(d) "my" or "ours"
(e) Name, address and description of at least two witnesses.

Transfer of Mortgage
(By Company or Body Corporate)

The within-mentioned ... in consideration of ... This day paid to it by ... hereby transfer to (c) ... the benefit of the within-written security. In witness whereof we have hereunto affixed our common seal this ... day of ... one thousand nine hundred and ...

The Common Seal of the ...)

...)
was affixed in the presence of ...
...)

N. B. — In case a mortgage is paid off, a Memorandum of its Discharge in one of the following forms must be used.

By individual or joint owners

Received the sum of ... in discharge of the within-written security, Dated at ... this ... day of ... 19 ...

Witnesses (e) ... of ...

(By Company or Body Corporate)

Received the sum of ... in discharge of the within-written security. In witness whereof we have hereunto affixed our common seal this ... day of ... 19 ... at ...

The Common Seal of ...)

...
...
Was affixed in the presence of *)

...
...
* Signatures and description of at least two witnesses, i.e., Director, Secretary, etc. (as the case may be).

FORM No. XI

Mortgage to secure Principal Sum and Interest
(By Company or Body Corporate)
(Inland Vessels Act, 1917, Section 19QA)

Official number Name of Vessel No., Date and Port of Registration

Whether a Steam or Motor Vessel Horse Power of Engines

Length:
Breadth:
Depth:

NUMBER OF TONS

Gross Net

and as described in more detail in the Certificate of the Survey and the Book of Registration.

We (a) ... in consideration of this day lent to us by (b) ... do hereby for ourselves and our successors covenant with the said ... and (c) ... assigns firstly. That we or our successors will pay to the said ... or (c) assigns the said sum of ... together with the interest thereon at the rate of ... per cent per annum of the (d) ... day of ... next and secondly, that if the said principal sum is not paid on the said day, we or our successors will, during such time as the same or any part thereof remains unpaid, pay to the said ... or (c) assigns interest on the whole or such part thereof as may for the time being remained unpaid at the rate of ... per cent per annum, by equal half-yearly payments on the ... day of ... and ... day of ... in every year and for better securing to the said ... the repayment in manner aforesaid of the said principal sum and interests were hereby mortgaged to the said ... share/shares, of which we are the owners in the vessel above particularly described and in her boat/boats and appurtenances. Lastly, we for ourselves and our successors covenant with the said ... and (c) ... assigns that we have power to mortgage in manner aforesaid the above mentioned shares and that the same are free from encumbrances (e) ...

In witness whereof we have hereunto affixed our common seal this ... day of ... one thousand nine hundred and ...

The common seal of the ...)

...
...
was affixed hereunto in the presence of (f) ...

Note: — The prompt registration of a Mortgage Deed at the port of Registration of the vessel is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for Registration and not from the date of the instrument.

Note:— Registered Owners or Mortgagees are reminded of the importance of keeping the Registering Authority informed of any change of residence on their part.

- (a) Name in full of Company together with its principal place of Business.
- (b) Full name, address and description of mortgagee. If joint mortgagees are concerned they must be so described. If the mortgagee is a Company, the full title and address must be given.
- (c) "his" or "their" or "its".
- (d) Insert the day fixed for payment of principal as above.
- (e) If there is any prior encumbrance, add "save as appears by the Registration certificate of the said vessel".
- (f) Description of witnesses, Directors, Secretary, etc. (as the case may be).

N. B.— In the case of Transfer, it must be made by Endorsement in one of the following forms:—

Transfer of Mortgage

(By Individual or Joint Owners)

(a) ... the within-mentioned ... in consideration of ... this day paid to (b) ... by ... hereby transfer to (c) ... the Benefit of the withininscribed (d) ... name ... and affixed (d) ... seal ... this ... day of ... one thousand nine hundred and ...

Executed by the above named ...)

...)

in the presence of (e)

Transfer of Mortgage

(By Company or Body Corporate)

(a) the within mentioned ... in consideration of ... this day paid to it (b) ... hereby transfer to (c) ... the benefit of the within written security. In witness whereof (a) have hereunto affixed (d) our common seal this ... day of ... one thousand nine hundred and ...

The Common Seal of the ...)

...
was affixed in the presence of (e)*

...)

...)

(a) "I" or "We"

(b) "me" or "us"

(c) "him", "them" or "it"

(d) "my" or "our"

(e) "Name, address & description of at least two witnesses".

N. B.:— In case a Mortgage is paid off, a Memorandum of its Discharge in one of the following forms must be used.

By Individual or Joint Owners

Received the sum of ... in discharge of the within written security. Dated at ... this ... day of ... 19 ...

Witnesses (e) ... of ...

By Company or Body Corporate

Received the sum of ... in discharge of the within-written security. In witness whereof we have hereunto affixed our common seal this ... day of ... 19 ... at ...

The common seal of the ...)

...)

was affixed in the presence of * ...)

...)

...)

*Signatures and description of at least two witnesses, i.e. Directors, Secretary, etc. (as the case may be).

FORM No. XII

Mortgage (to secure Account Current, etc.)

(Individual or Joint Owners)

(Section 19QA of Inland Vessels Act, 1917)

Issued by the

Government of Goa,
Daman and Diu.

Official number	Name of Vessel	No., Date and Port of Registration
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Whether a Steam or Motor Vessel	Horse power of Engines
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Length:

Breadth:

Depth:

NUMBER OF TONS

Gross

Net

and as described in more detail in the Certificate of Survey and the Registration Book.

Whereas (a) ...

...)

...)

...)

...)

Now (b) ... the undersigned ... in consideration of the premises for (c) ... and (d) ... heirs covenant with the said ... and (e) ... assigns, to pay to him or them the sums for the time being due on this security, whether by way of principal or interest, at the times and manner aforesaid. And for the purpose of better securing to the said ... the payment of such sums as last aforesaid, (b) ... do hereby mortgage to the said ... shares, of which (f) ... am/are the Owners ... in the vessel above particularly described, and in her boats and appurtenances.

Lastly, (b) ... for (c) ... and (d) ... heirs, covenant with the said ... and (e) ... assigns that (b) ... have ... power to mortgage in manner aforesaid the above mentioned shares, and that the same are free from encumbrances (g) ...

In witness whereof (b) ... have ... hereunto subscribed (d) ... name ... and affixed (d) ... seal ... this ... day of ... One thousand nine hundred and ...

Executed by the above named ...)

...)

...)

in the presence of* ...)

...)

...)

(a) Here state by way of recital that there is an account current between Mortgagor (giving his address and description and if, Joint Owners are concerned describing them/as such) and the Mortgagee giving his address and description. If the Mortgagee is a Company or a Body Corporate the full title and address must be given and if Joint Mortgagees are concerned they must be so described and describe the nature of the transactions so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment.

(b) "I" or "we".

(c) "myself" or "ourselves".

(d) "my" or "our".

(e) "his" or "their".
 (f) "I am" or "we are".
 (g) "If there is any prior encumbrance" add "save as appears by the Registration of the said vessel".

* Name, address and description of at least two witnesses.

Note. — The prompt registration of a Mortgage Deed at the Port of Registration of the vessel is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registration and not from the date of the instrument.

Note. — Registered Owners or Mortgagors are reminded of the importance of keeping the Registering Authority informed of any change of residence on their part.

FORM No. XIII

Mortgage to secure Account Current, etc.

(Individuals or Joint Owners)

N.B. — In case of transfer it must be made by Endorsement in one of the following forms.

Transfer of Mortgage

(By Individuals or Joint Owners)

(a) "I" or "We". (a) ... the within-mentioned ... in consideration of ...
 (b) "me" or "us". This day paid to (b) ... by ...
 (c) "him" "them" or "it". hereby transfer to (c) ... the benefit of the within written security, in witness whereof (a) ... have hereunto subscribed (d) ... name ... and affixed (d) ... seal ... this ... day of ... one thousand and nine hundred and ...
 (e) Name, address and description of not less than two witnesses. Executed by the above-named ... in the presence of (e)

Transfer of Mortgage

(By Company or Body Corporate)

(e) "him" "them" The within-mentioned ... in consideration of ... this day paid to it by ... hereby transfer to (c) ... the benefit of the within-written-security. In witness whereof we have hereunto affixed our common seal this ... day of ... one thousand nine hundred and ... The common seal of the ... was affixed in the presence of *

N. B. — In case a Mortgage is paid off, a Memorandum of its Discharge in one of the following forms must be used.

By Individuals or Joint Owners

Received the sum of ... in discharge of the within-written security, Dated at ... this ... day of ... 19
 Witness (e) ... of ...

By Company or Body Corporate

Received the sum of ... in discharge of the within-written security. In witness whereof we have hereunto affixed our common seal this ... day of ... 19 ... at ...

The common seal of the ... was affixed in the presence of*

*Signatures and description of at least two witnesses, i.e. Directors, Secretary, etc. (as the case may be).

FORM No. XIV

Mortgage to secure Account Current, etc.

(By a Company or Body Corporate)

(Section 19QA of Inland Vessels Act, 1917)

Issued by the
Government of Goa, Daman and Diu

Official No.	Name of vessel	No., Date and Port of Registration	Whether a Steam or Motor vessel	Horse Power of Engine
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Length	Number of tons
Breadth	Gross:
Depth	Net:

and as described in more details in the Certificate of the Survey and the Book of Registration.

Whereas (a) ...

Now we the (b) ... in consideration of the premises for ourselves and our successors covenant with the said ... and (c) ... assigns to pay to him/them or it the sums for the time being due on this security, whether by way of principal or interest, at the times and manner aforesaid and for the purpose of better securing to the said ... The payment of such sums as last aforesaid we do hereby mortgage to the said ... shares, of which we are the Owners in the vessel above particularly described and in her boats and appurtenances.

Lastly, we for ourselves and our successors, covenant with the said ... and (c) ... assigns that we have Power to mortgage in manner aforesaid the above-mentioned shares and that the same are free from encumbrances (d) ...

In witness whereof we have hereunto affixed our common seal this ... day of ... one thousand nine hundred and ...

The Common Seal of the ...)

was affixed hereunto in the presence of*)

...)

...)

Law Department (Establishment)
Office of the Chief Electoral Officer

Notification

3-4-79/ELEC-Vol.I

The Notifications No. 56/82-XII and No. 56/82-XIII both dated 27th September, 1983 issued by the Election Commission of India, New Delhi are hereby published for general information.

U. D. Sharma, Addl. Chief Electoral Officer.

Panaji, 7th October, 1983.

Election Commission of India

New Delhi, dated the 27th September, 1983

Asvina 5, 1905 (Saka)

Notification

S.O. — Whereas the Election Commission, in pursuance of the provisions of paragraph 6 read with paragraph 7 of the Election Symbols (Reservation and Allotment) Order, 1968, is satisfied that as a result of its poll performance at general election to the Legislative Assembly of Tripura State held in January, 1983, the Revolutionary Socialist Party is entitled for recognition as a State Party in the State of Tripura in terms of para 6 of the said Order;

And whereas the Commission has decided to recognise the Revolutionary Socialist Party in Tripura State as a State Party;

Now, therefore, in pursuance of clauses (b) and (d) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the said Symbols Order, the Election Commission hereby makes the following amendments in its notification No. 56/82, dated the 8th April, 1982, published as O.N. 29(E), in the Gazette of India Extraordinary, Part II, Section 3(iii), dated the 12th April, 1982, as amended from time to time, namely —

- (1) In Table 2 of the said notification, against the State of Tripura referred to under column 1, for the existing entry 'Tripura Upajati Juba Samiti ... Two Leaves' under columns 2 and 3, the following entries shall be substituted:
 1. Revolutionary Socialist Party ... Spade and Stoker
 2. Tripura Upajati Juba Samit...Two leaves"
- (2) In Table 4 of the said notification, against item 20. Tripura in column 1 the entry "11. Spade and Stoker" under column 2 shall be deleted and the existing entries 12 and 13 shall be renumbered as 11 & 12, respectively;

The recognition granted to the above-mentioned political party is subject to the following conditions:—

- (i) The Party shall communicate to the Commission without delay and change in its name, head office, office bearers address and political principles, policies, aims and objectives and any change in any other material matters;
- (ii) The Party shall intimate the Commission immediately whenever any amendments are issued to Party constitution along with the relevant documents like the notice for the meeting to consider amendments, agenda for the meeting, minutes of the meeting where the amendments have been carried etc;
- (iii) The party shall maintain all the records like minutes books, accounts books, membership registers, receipt books etc. properly;
- (iv) The said records shall be open for inspection at any time by the authorised representative(s) of the Commission; and
- (v) The recognition granted shall be reviewed by the Commission from time to time.

(No. 56/82-XII)

By order,

K. GANESAN

Secretary

New Delhi, dated the 27th September, 1983

Asvina 5, 1905 (Saka)

Notification

S. O. — Whereas the Revolutionary Socialist Party is a recognised political Party in the States of Kerala and West Bengal with the Symbol 'Spade and Stoker' reserved for it in these States, under the Election Symbols (Reservation and Allotment) Order, 1983;

And whereas, in pursuance of paragraph 6 of the said order, the Election Commission has reviewed the poll performance of the said Party in the general election to the Legislative Assembly of Kerala and West Bengal held in May, 1982;

And whereas the Election Commission is satisfied that as a result of the said review the Revolutionary Socialist Party is *not* entitled for continued recognition in the State of Kerala;

And whereas the Commission has issued a notice to the said Party on 13 July, 1983 to explain as to why its name should *not* be deleted from the list of recognised political parties in Kerala State on account of its poor poll performance in that State;

And whereas the said Party has *not* responded to the said notice inspite of a reminder to the Party in this regard and a considerable time has thus elapsed;

And whereas the Election Commission has decided to derecognise the said Party from the State of Kerala;

Now, therefore, in pursuance of clause (b) of sub-para (1) and sub-para (2) of paragraph 17 and paragraph 18 of the said order, the Election Commission hereby makes the following amendment in its notification No. 56/82, dated the 8th April, 1982, published as O.N. 29(E), in the Gazette of India Extraordinary Part II, Section 3 (iii), dated the 12th April, 1982, as amended from time to time, namely—

In Table 2 appended to the said notification, against the State of Kerala mentioned in column 1, the entry "5. Revolutionary Socialist Party Spade and stoker" referred to in columns 2 and 3, respectively, shall be *deleted*.

(No. 56/82-XIII)

By order,

K. GANESAN

Secretary